

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

ROSALIE JOHNSON,

ORDER

07 Civ. 2839 (GEL) (GWG)

Plaintiff,

:

-v.-

:

:

MICHAEL J. ASTRUE,

:

Defendant.

X

GABRIEL W. GORENSTEIN, United States Magistrate Judge:

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, a United States Magistrate Judge is available to conduct all proceedings in this case, including but not limited to any decisions on motions, any jury or nonjury trial, and/or the entry of a final judgment. An appeal from a judgment entered by a Magistrate Judge, if any, is taken directly to the United States Court of Appeals in the same manner as an appeal from any other judgment of this district court.

It is the practice of the United States Magistrate Judges of this Court, including the undersigned, that cases that go to trial are given a firm trial date (rather than being placed on a “ready trial” list requiring the parties to be ready to try the case on short notice).

Exercise of jurisdiction by a Magistrate Judge is permitted only if all parties voluntarily consent. To determine whether the parties wish to voluntarily consent, the plaintiff is directed to mail to defendant on or before December 26, 2007 a copy of the attached consent form bearing either (1) a signature indicating consent to the Magistrate Judge conducting all proceedings in this matter or (2) a notation that the plaintiff does not consent.

On or before January 9, 2008 defense counsel is directed to contact the Deputy Clerk Sylvia Gonzalez either by telephone, at (212) 805-4260, or by letter. Defense counsel shall inform the Deputy Clerk whether all parties have consented to the Magistrate Judge conducting the proceedings in this matter. If any party has not consented, counsel for the defendant shall not inform the clerk which of the parties have not consented but shall merely state that there has not been consent by all parties.

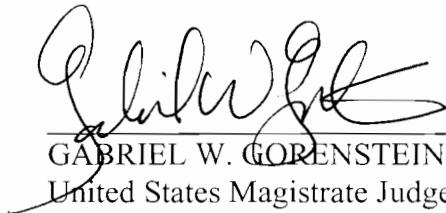
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In the event that all parties have consented, defense counsel shall mail the signed consent form for filing to: Ms. Sylvia Gonzalez, Chambers of Judge Gabriel W. Gorenstein, 500 Pearl Street, New York, NY 10007.

This Order is not intended to interfere with the parties' right to have a trial and/or any other dispositive proceedings before a United States District Judge. The parties are free to withhold their consent without adverse substantive consequences, although this will prevent the Court's jurisdiction from being exercised by a United States Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent shall not be communicated to any Magistrate Judge or District Judge to whom the case has been assigned.

SO ORDERED

DATED: New York, New York
December 3, 2007



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copies to :

Rosalie Johnson
1010 Soundview Ave #4H
Bronx, NY 10472

John E. Gura, Jr.
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York, 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSALIE JOHNSON,

Plaintiff,

CONSENT TO PROCEED
BEFORE UNITED STATES
MAGISTRATE JUDGE

- V. -

07 Civ. 2839 (GEL) (GWG)

MICHAEL J. ASTRUE,

Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between the parties that:

1. Pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including but not limited to any trial, the entry of a final judgment, and all post-judgment proceedings.
 2. Any appeal from a judgment entered in this case will lie to the United States Court of Appeals for the Second Circuit as from any other judgment of the district court pursuant to 28 U.S.C. 636(c)(3) and Fed. R. Civ. P. 73(c).

AGREED AND CONSENTED TO:

Signature of Plaintiff

Rosalie Johnson
1010 Soundview Ave #4H
Bronx, NY 10472

Signature of Attorney for Defendant

John E. Gura, Jr.
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York, 10007

Date:

Date:

SO ORDERED:

U.S.D.J.